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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/681,635

10/08/2003

David Koeller

KOE-P-03-001

6112

7590

07/06/2006

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/681,635

Applicant(s)

KOELLER, DAVID

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 7-12, 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vella, US 20050055921A1 in view of Zinbarg, U. S. Patent 5,943,803.

3. With respect to claims 1, 2, 10, Vella teaches a plurality of magnetic garage door pad. (figure 1a) The pad comprises a first sheet 20 having a first planar side 30 and a second planar side 40 wherein the first planar side is oppositely juxtaposed to the second planar side, wherein the first planar side is a magnetic layer to removably attach first sheet to the garage door panel. The first planar side 30 has a first thickness defined between a top surface and a bottom surface of the first planar side 30. The second planar side 40 has a second thickness defined between a front surface and a rear surface of the second planar side wherein the rear surface is adjacent to the top surface. Vella also teaches the first thickness ( the

thickness of the magnetic side 30) is greater than the second thickness (the thickness of the intermediate layer 40). Figure 4. In addition, Vella teaches the second side having graphical representation 50 and a protective coating 60 over the graphical representation.

4. Vella does not teach the plurality of pad aligned to create an image that encompass more than one of the garage door panels.

5. Zinbarg teaches a garage door cover comprising a plurality of covers adapted to adhesively cover the entire surface of each garage door panel. Wherein each cover has a portion of an image such that when placed on the panels of the garage door a composite image is presented. (figure 1)

6. Since Vella teaches pd can be cut to a user-defined shape and size, it would have been obvious to one having ordinary skill in the art at the time this invention was made to provide a plurality of magnetic pad taught by Vella with the magnetic pad cut into long strips as taught by Zinbarg to provide a means to cover the entire surface area of the each panel of a garage door to enhance the aesthetic appearance of the door or to convey a desire message.

7. With respect to claim 3, 7, 14 and 18, Vella teaches a protective layer 60.

8. With respect to claim 8, 9, 11, 16 Both Vella and Zinbarg teaches indicia or graphics on the panels. Since textual indicia do not have an unobvious functional relationship with the panel, it appears using any suitable indicia would perform equally well in conveying a desired message. It would have been obvious at the time this invention was made to place whatever desired indicia on the panel to convey a desired message.

9. With respect to claims 15, Zinbarg teaches providing a garage door having a plurality of panel, providing a sheet with graphic or indicia thereon, cutting the sheet to the size of each garage door panel and attaching the cut sheet to the panels.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Villa in view of Zinbarg as applied to claim 15 above, and further in view of Marshall, U. S. Patent 5,503,891. Marshall teaches a flexible magnetic mat comprising a magnetic surface 14 and a display surface laminated to the magnetic surface. See column 2, lines 40-62.

11. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the magnetic and display sheet taught by Vella laminated together as taught by Marshall to provide a means to permanently secure the sheets together.

12. Claims 4, 5, 6, 13, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Villa in view of Zinbarg as applied to claims 1, 10, and 14 above, and further in view of Blyden et al., U. S. Patent 6,217,958.

13. Blyden teaches a magnetic sign 1 having a magnetic layer 8 and a weather resistant first layer 3 with a ink or printed design thereon. Column 3, lines 1-18. The design can be a vinyl paint, illumined paint, reflective paint or photographic pictures. See column 4, lines 33-42.

14. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the magnetic garage door pad taught by Villa and Zinbarg with reflective and/or illumined paint as taught by Blyden to provide a means to increase the visibility of the pad.


### ***Response to Arguments***

15. Applicant's arguments with respect to claims 1, 10, and 14 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
June 25, 2006